



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
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### **MEMORANDUM**

**DATE:** April 22, 2015

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Robert D. Overmiller, Chairperson  
GACEC

**RE:** **House Bill No. 50 (Smarter Balanced Assessment "Opt-out")**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 50** which would allow parents to exempt their children from participation in the statewide assessment, currently the Smarter Balanced assessment. No reason would be required. There would be no repercussions on the student (lines 8-9). The Department of Education would maintain a data system to record "opt outs" (line 10). The GACEC **does not support** the proposed legislation and would like to share the following observations.

Proponents of a universal "opt out" right are concerned that too much time is spent on test preparation, the tests place too much stress on children and the tests are discouraging since a significant percentage of students are expected to generate poor results. Opponents of a universal "opt out" right stress federal penalties for low test participation rates, the value of an objective measure of achievement and the value of identifying academic weaknesses upon which teachers can focus remedial instruction.

Given concerns about the perception that students are being over-assessed, the public school system is undertaking an inventory of testing with a goal of eliminating duplicative or marginally valuable testing. See attached March 12, 2015 News Journal article. Council endorses this approach to the issue.

The establishment of a universal "opt out" right raises several concerns.

First, consistent with the attached February 28, 2015 and March 26, 2015 articles, the federal Department of Education requires states to have a 95% participation rate or face sanctions. Sanctions could include loss of funds for programs that serve low income, rural and migrant students.

Second, public schools will have an incentive to "discourage" students who they anticipate will perform poorly on the test (special education students; minorities) from participation.

Third, students benefit from some experience in taking standardized tests. Performance on SATs and similar tests may be compromised if students are “protected” from the stress and experience of periodically taking standardized tests.

Fourth, the validity of overall test results will be undermined if large numbers of students do not participate in the assessment. For example, if test takers are predominantly high-achieving students, the results may “paint a rosy picture” of achievement with little basis in reality.

Fifth, the reality is that Delaware students lack basic skills. Only a quarter of graduating students score high enough on the SAT college entrance exam to be considered ready for college. See attached October 8, 2014 News Journal article. Authorizing mass exemption from testing will “mask” but not change poor performance. Avoiding the unpleasant reality of assessments and their place in public education is not a viable response to relatively poor overall performance by Delaware students. We agree that there is an issue but do not agree with “opting out” as the solution.

Thank you for your time and consideration of our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Attachments